

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

EDWARD BUTOWSKY,

Plaintiff,

v.

MICHAEL GOTTLIEB, *et al.*,

Defendants.

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CASE NO. 4:19-CV-00180-ALM-KPJ

ORDER

Pending before the Court are the following Motions:

1. Defendants Michael Gottlieb, Meryl Governski, and Boies Schiller Flexner LLP's (the "BSF Defendants") Motion for Rule 11 Sanctions and Supporting Memorandum (the "Motion for Sanctions") (Dkt. 156);
2. The BSF Defendants' Motion to Dismiss Third Amended Complaint Under the First-to-File Rule and Rules 12(b)(6), 12(b)(7), and 19 (the "First-to-File Motion") (Dkt. 209); and
3. The BSF Defendants' Motion to Dismiss for Lack of Personal Jurisdiction (the "Personal Jurisdiction Motion") (Dkt. 210).

On October 4, 2019, the BSF Defendants filed the Motion for Sanctions. *See* Dkt. 156. On March 13, 2020, the BSF Defendants filed the First-to-File Motion and the Personal Jurisdiction Motion. *See* Dkts. 209, 210. On March 31, 2020, the United States District Court for the District of Columbia enjoined Plaintiff's claims against the BSF Defendants. *See* Dkt. 218-1. On May 11, 2020, the BSF Defendants informed the Court that Plaintiff was appealing the United States District Court for the District of Columbia's granting of the anti-suit injunction. *See* Dkt. 239. If the Court were to rule on the Motions at this time, Plaintiff could not timely object to any ruling and/or recommendation made by the Court, as Plaintiff is currently enjoined from pursuing his claims against the BSF Defendants in this Court. Thus, the Court finds that judicial economy and

fairness requires that the BSF Defendants' Motions be **DENIED** without prejudice to refiling once the anti-suit injunction appeal is resolved.

Accordingly, the Court finds that the BSF Defendants' Motion for Sanctions (Dkt. 156), First-to-File Motion (Dkt. 209), and Personal Jurisdiction Motion (Dkt. 210) (collectively, the "Motions") are **DENIED** without prejudice to refiling.

So ORDERED and SIGNED this 12th day of August, 2020.

A handwritten signature in black ink, appearing to read 'K. Priest Johnson', written over a horizontal line.

KIMBERLY C. PRIEST JOHNSON
UNITED STATES MAGISTRATE JUDGE